

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSEPH A. PAKOOTAS, an
individual and enrolled
member of the Confederated
Tribes of the Colville
Reservation; and DONALD
R. MICHEL, an individual
and enrolled member of the
Confederated Tribes of the
Colville Reservation, and THE
CONFEDERATED TRIBES OF
THE COLVILLE RESERVATION,

Plaintiffs,

and

THE STATE OF WASHINGTON,

Plaintiff-Intervenor,

vs.

TECK COMINCO METALS, LTD.,
a Canadian corporation,

Defendant.

No. CV-04-256-LRS

**ORDER DISMISSING
MOTIONS AS MOOT**

Defendant has withdrawn its Eighteenth Affirmative Defense (Release Permitted By Law). (ECF Nos. 1109, 1110 and 1113). Accordingly, Plaintiffs'

**ORDER DISMISSING
MOTIONS AS MOOT-**

1 Motion For Summary Judgment Dismissing Defendant's Eighteenth Affirmative
2 Defense (ECF No. 967) is **DISMISSED as moot**.

3 Defendant has withdrawn its allegations against the State of Washington
4 that it is liable as a result of activities at the Anderson Calhoun Mine & Mill and
5 Deer Trail Monitor. (ECF Nos. 1111 and 1112). Accordingly, Counterclaim
6 Defendant State of Washington's Motion For Partial Summary Judgment (ECF
7 No. 929) is **DISMISSED as moot**.

8 **IT IS SO ORDERED.** The District Executive is directed to enter this order
9 and forward copies to counsel.

10 **DATED** this 3rd of October, 2011.

11 *s/Lonny R. Suko*

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13 LONNY R. SUKO
14 United States District Judge

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27 **ORDER DISMISSING**
28 **MOTIONS AS MOOT-**